Local Government Mandate Statement Kentucky Legislative Research Commission 2022 Regular Session

Part I: Measure Information

Bill Request #: 985
Bill #: SB 33
Document ID #:
Bill Subject/Title: AN ACT relating to expungement.
Sponsor: Senator Jimmy Higdon
Unit of Government: X City X County X Urban-County Unified Local
M Charter County N Consolidated Local N Government County attorneys and all local prosecutorial and law enforcement agencies holding records of charges subject to enhancement without a specified time period
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing X Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

Under current law (KRS 431.078), a person convicted of a misdemeanor or a violation, or a series of misdemeanors or violations arising from a single incident, may petition the court in which that person was convicted for expungement of his or her misdemeanor or violation record, as long as the offense was not a sex offense or an offense committed against a child. The current law, however, does not have provisions for expungement in the event that the offense may be enhanced with additional penalties on an indefinite basis.

SB 33 amends the statute to permit a person convicted of an offense that is subject to enhancement on an indefinite basis to petition the court for expungement, provided a period of at least five years have lapsed since the date of the offense.

The fiscal impact of SB 33 on local government is indeterminate due to the impossibility of predicting a percentage of those who may have records expunged; however, it is expected to be minimal. Local jails transfer custody of records upon release of inmates and will be unaffected. For local law enforcement agencies, there may be a minimal impact as manual expungements take less than 30 minutes, and computerized records take not more than five minutes to delete.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, pertains to the bill as introduced.

Data Source(s): Kentucky Jailers Association; Kentucky Sheriffs Association; Kentucky

Association of Chiefs of Police

Preparer: K. Sallee/MS Reviewer: KHC Date: 1/10/22